

# BEST AVAILABLE COPY

10/04/04 14:21 FAX 3146215065

012

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

## Remarks

Claims 1-22 are now pending in this application. Claims 1-22 are rejected. Claims 1, 2, 6-9, 12-14, 18, and 20 have been amended. No new matter has been added.

Applicant respectfully submits that the Office Action rejects Claims 1-8 and 10-19 under 35 U.S.C. § 103(a) as being unpatentable over Burklin (U.S. Patent No. 5,848,028) (paragraph 4). However, the Office Action provides reasons for rejecting Claims 1-7, 9-19, and 21 as being unpatentable over Burklin and rejects Claims 8, 20, and 22 as being unpatentable over Burklin in view of Muller et al. (U. S. Patent No. 6,363,256) (paragraphs 5-18). Accordingly, Applicant proceeds with an assumption that Claims 1-7, 9-19, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burklin.

The rejection of Claims 1-7, 9-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Burklin is respectfully traversed.

Burklin describes an internal device clock CLK that continuously distributes the local time inside a device (coffee machine, cooker, dishwasher, washing machine, heating system, air conditioner, FM receiver, TV set, VCR) (column 4, lines 10-13). A bus interface unit BIU receives time information RXVE from a bus (column 4, lines 14-17). Time information TXMIT is sent to a bus only when a controlled switch CSW1 is closed (column 4, lines 15-16). The switch CSW1 is controlled by a delaying block DBL which interrupts time transmission during a certain time period after each reception of time information (column 4, lines 16-22). As a matter of design choice, transmission from the clock can be limited to fixed internal time intervals (column 4, lines 22-24). The incoming time information RXVE is allowed to set the internal clock CLK only when a second controlled switch CSW2 is closed (column 4, lines 24-26). This switch may be closed continuously (column 4, lines 26-27). The switch CSW2 can be controlled by a digital filter circuit F1 which compares the internal time of the clock CLK to the received

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

time, and allows updating only when a significant difference over a certain period is detected (column 4, lines 27-32).

Claim 1 recites a system for updating a first set of information including a time and a date of one of a plurality of electronic devices within the system, the system comprising "a communications network being coupled to each of said electronic devices within said network, wherein each of at least two of said electronic devices has a time and date set feature capable of being set by a user, wherein one of said at least two electronic devices is configured to communicate the updated first set of information to any respective electronic device after having received a set instruction configured to automatically set a first clock within the one of said at least two electronic devices, wherein said first clock is automatically set when a change in the time occurs, the one of said at least two electronic devices is configured to communicate the updated first set of information until remaining of said electronic devices within the communications network have been set, and a first communications module configured to interrupt a first program executed by a microprocessor within the remaining of said electronic devices, wherein said first program is separate from a second program configured to update a second clock within the remaining of said electronic devices when the updated first set of information is received by the remaining of said electronic devices."

Burklin does not describe or suggest a system for updating a first set of information including a time and a date of one of a plurality of electronic devices as recited in Claim 1. Specifically, Burklin does not describe or suggest a first communications module configured to interrupt a first program executed by a microprocessor within the remaining of said electronic devices, where the first program is separate from a second program configured to update a second clock within the remaining of the electronic devices when the updated first set of information is received by the remaining of the electronic devices. Rather, Burklin describes a bus interface unit that receives time information RXVE, which is allowed to set an internal clock CLK only when a second controlled switch CSW2 is closed. This switch CSW2 may be closed

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

continuously. The switch CSW2 can be controlled by a digital filter circuit F1 which compares the internal time of the clock CLK to the received time, and allows updating only when a significant difference over a certain period is detected. For the reasons set forth above, Claim 1 is submitted to be patentable over Burklin.

Claims 2-5 and 21 depend on independent Claim 1. When the recitations of Claims 2-5 and 21 are considered in combination with the recitations of Claim 1, Applicant submits that Claims 2-5 and 21 likewise are patentable over Burklin.

Claim 6 recites a process for updating a time code and a date code of one of a plurality of electronic devices within a communications network, wherein each of said electronic devices comprises a microprocessor, a communications module, memory, and a key pad, the process comprising the following steps "reading the time code from the memory; sending the time code to the communications module; reading the date code from the memory; sending the date code to the communications module; sending time and date information from the communications module to all of the electronic devices within the network; and notifying the communications module that at least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module."

Burklin does not describe or suggest a process for updating a time code and a date code of one of a plurality of electronic devices as recited in Claim 6. Specifically, Burklin does not describe or suggest notifying the communications module that at least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module. Rather, Burklin describes receiving, by a bus interface unit BIU, time information RXVE from a bus, sending time information TXMIT to a bus only when a controlled switch CSW1 is closed, controlling the switch CSW1 by using a delaying block DBL which interrupts time transmission during a certain time period after each

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

reception of time information. For the reasons set forth above, Claim 6 is submitted to be patentable over Burklin.

Claims 7 and 9-11 depend on independent Claim 6. When the recitations of Claims 7 and 9-11 are considered in combination with the recitations of Claim 6, Applicant submits that Claims 7 and 9-11 likewise are patentable over Burklin.

Claim 12 recites an apparatus for updating a time variable of one of a plurality of appliances within a communications network having a communications controller, where the time variable comprises a time code and a date code, the apparatus comprising "means for reading the time variable; means for sending the time code to the communications module; means for sending the date code to the communications module; means for sending the time variable from the communications module to the appliances on the network; and means for notifying the communications module that at least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module."

Burklin does not describe or suggest an apparatus for updating a time variable of one of a plurality of appliances as recited in Claim 12. Specifically, Burklin does not describe or suggest means for notifying the communications module that at least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module. Rather, Burklin describes receiving, by a bus interface unit BIU, time information RXVE from a bus, sending time information TXMIT to a bus only when a controlled switch CSW1 is closed, controlling the switch CSW1 by using a delaying block DBL which interrupts time transmission during a certain time period after each reception of time information. For the reasons set forth above, Claim 12 is submitted to be patentable over Burklin.

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

Claim 13 recites a system for updating a time and a date of one of a plurality of appliances within the system, the system comprising "a communications network being coupled to each of said appliances within said network, wherein each of at least two of said appliances has a time and date set feature capable of being set by a user, wherein any one of said at least two appliances is configured to communicate the updated time and date to remaining of said appliances within the network after having received a set instruction configured to automatically set a first clock within any one of said at least two appliances, wherein said clock is automatically set when a change in the time occurs; and a first communications module configured to interrupt a first program executed by a microprocessor within the remaining of said appliances, wherein said first program is separate from a second program configured to update a second clock within the remaining of said appliances when the updated time and date is received by the remaining of said appliances."

Burklin does not describe or suggest a system for updating a time and a date of one of a plurality of appliances as recited in Claim 13. Specifically, Burklin does not describe or suggest a first communications module configured to interrupt a first program executed by a microprocessor within the remaining of the appliances, where the first program is separate from a second program configured to update a second clock within the remaining of the appliances when the updated time and date is received by the remaining of the appliances. Rather, Burklin describes a bus interface unit that receives time information RXVE, which is allowed to set an internal clock CLK only when a second controlled switch CSW2 is closed. This switch CSW2 may be closed continuously. The switch CSW2 can be controlled by a digital filter circuit F1 which compares the internal time of the clock CLK to the received time, and allows updating only when a significant difference over a certain period is detected. For the reasons set forth above, Claim 13 is submitted to be patentable over Burklin.

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

Claims 14-17 depend on independent Claim 13. When the recitations of Claims 14-17 are considered in combination with the recitations of Claim 13, Applicant submits that Claims 14-17 likewise are patentable over Burklin.

Claim 18 recites a system for updating a time code and a date code of an appliance within a communications network comprising a plurality of appliances, where each appliance comprises a microprocessor, a communications module, memory, and a key pad, the system comprising "means for reading the time code from the memory; means for sending the time code to the communications module; means for reading the date code from the memory; means for sending the date code to the communications module; means for sending time and date information to the appliances with the network; and means for notifying the communications module that least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module."

Burklin does not describe or suggest a system for updating a time code and a date code of an appliance as recited in Claim 18. Specifically, Burklin does not describe or suggest means for notifying the communications module that least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module. Rather, Burklin describes receiving, by a bus interface unit BIU, time information RXVE from a bus, sending time information TXMIT to a bus only when a controlled switch CSW1 is closed, controlling the switch CSW1 by using a delaying block DBL which interrupts time transmission during a certain time period after each reception of time information. For the reasons set forth above, Claim 18 is submitted to be patentable over Burklin.

Claim 19 depends on independent Claim 18. When the recitations of Claim 19 are considered in combination with the recitations of Claim 18, Applicant submits that Claim 19 likewise is patentable over Burklin.

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-7, 9-19, and 21 be withdrawn.

Moreover, Applicant respectfully submits that the Section 103 rejection of Claims 1-7, 9-19, and 21 is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to modify Burklin to obtain the claimed recitations of the present invention does not support a *prima facie* obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicant given the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Applicant has not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicant with a fair opportunity to respond to the rejection, and fails to provide the Applicant with the opportunity to challenge the correctness of the rejection.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-7, 9-19, and 21 be withdrawn.

The rejection of Claims 8, 20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Burklin in view of Muller et al. is respectfully traversed.

Burklin is described above. Muller et al. describe a method in which when a handset loses synchronization with a base station (box 101), it knows that there is a risk of losing its time (column 3, lines 19-21). The handset thus keeps this information updated for the base station: it initializes a variable X2 (called recovery information) and it starts counting the time T that elapses (column 3, lines 22-26). The variable X2 is regularly updated, for example, every second, whereas the synchronization of base station and handset is not re-established (column 3, lines 25-28). When the synchronization of base station/handset is re-established, the handset sets

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

up a link (called proprietary link) to the base station (column 3, lines 28-31). By this proprietary link it transmits the recovery information X2 to the base station (column 3, lines 31-33).

Claim 8 depends on independent Claim 6 which recites a process for updating a time code and a date code of one of a plurality of electronic devices within a communications network, wherein each of said electronic devices comprises a microprocessor, a communications module, memory, and a key pad, the process comprising the following steps "reading the time code from the memory; sending the time code to the communications module; reading the date code from the memory; sending the date code to the communications module; sending time and date information from the communications module to all of the electronic devices within the network; and notifying the communications module that at least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module."

Neither Burklin nor Muller et al., considered alone or in combination, describe or suggest a process for updating a time code and a date code of one of a plurality of electronic devices as recited in Claim 6. Specifically, neither Burklin nor Muller et al., considered alone or in combination, describe or suggest notifying the communications module that at least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module. Rather, Burklin describes receiving, by a bus interface unit BIU, time information RXVE from a bus, sending time information TXMIT to a bus only when a controlled switch CSW1 is closed, controlling the switch CSW1 by using a delaying block DBL which interrupts time transmission during a certain time period after each reception of time information. Muller et al. describe that when a handset loses synchronization with a base station, the handset knows that there is a risk of losing its time. When the synchronization of base station/handset is re-established, the handset sets up a link to the base station. By this link, the handset transmits recovery information X2 to the base station.

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

For the reasons set forth above, Claim 6 is submitted to be patentable over Burklin in view of Muller et al.

When the recitations of Claim 8 are considered in combination with the recitations of Claim 6, Applicant submits that dependent Claim 8 likewise is patentable over Burklin in view of Muller et al.

Claim 20 depends on independent Claim 18 which recites a system for updating a time code and a date code of an appliance within a communications network comprising a plurality of appliances, where each appliance comprises a microprocessor, a communications module, memory, and a key pad, the system comprising "means for reading the time code from the memory; means for sending the time code to the communications module; means for reading the date code from the memory; means for sending the date code to the communications module; means for sending time and date information to the appliances with the network; and means for notifying the communications module that least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module."

Neither Burklin nor Muller et al., considered alone or in combination, describe or suggest a system for updating a time code and a date code of an appliance as recited in Claim 18. Specifically, neither Burklin nor Muller et al., considered alone or in combination, describe or suggest means for notifying the communications module that least one of the time and date code is to be transmitted to the communications module before at least one of the time and date code is transmitted to the communications module. Rather, Burklin describes receiving, by a bus interface unit BIU, time information RXVE from a bus, sending time information TXMIT to a bus only when a controlled switch CSW1 is closed, controlling the switch CSW1 by using a delaying block DBL which interrupts time transmission during a certain time period after each reception of time information. Muller et al. describe that when a handset loses synchronization with a base station, the handset knows that there is a risk of losing its time. When the

VIA FACSIMILE (703) 872-9306

9D-RG-19394-Daum  
PATENT

synchronization of base station/handset is re-established, the handset sets up a link to the base station. By this link, the handset transmits recovery information X2 to the base station. For the reasons set forth above, Claim 18 is submitted to be patentable over Burklin in view of Muller et al.

When the recitations of Claim 20 are considered in combination with the recitations of Claim 18, Applicant submits that dependent Claim 20 likewise is patentable over Burklin in view of Muller et al.

Claim 22 depends on independent Claim 1 which recites a system for updating a first set of information including a time and a date of one of a plurality of electronic devices within the system, the system comprising "a communications network being coupled to each of said electronic devices within said network, wherein each of at least two of said electronic devices has a time and date set feature capable of being set by a user, wherein one of said at least two electronic devices is configured to communicate the updated first set of information to any respective electronic device after having received a set instruction configured to automatically set a first clock within the one of said at least two electronic devices, wherein said first clock is automatically set when a change in the time occurs, the one of said at least two electronic devices is configured to communicate the updated first set of information until remaining of said electronic devices within the communications network have been set, and a first communications module configured to interrupt a first program executed by a microprocessor within the remaining of said electronic devices, wherein said first program is separate from a second program configured to update a second clock within the remaining of said electronic devices when the updated first set of information is received by the remaining of said electronic devices."

Neither Burklin nor Muller et al., considered alone or in combination, describe or suggest a system for updating a first set of information including a time and a date of one of a plurality of electronic devices as recited in Claim 1. Specifically, neither Burklin nor Muller et al., considered alone or in combination, describe or suggest a first communications module

**VIA FACSIMILE (703) 872-9306****9D-RG-19394-Daum  
PATENT**

configured to interrupt a first program executed by a microprocessor within the remaining of said electronic devices, where the first program is separate from a second program configured to update a second clock within the remaining of the electronic devices when the updated first set of information is received by the remaining of the electronic devices. Rather, Burklin describes a bus interface unit that receives time information RXVE, which is allowed to set an internal clock CLK only when a second controlled switch CSW2 is closed. This switch CSW2 may be closed continuously. The switch CSW2 can be controlled by a digital filter circuit F1 which compares the internal time of the clock CLK to the received time, and allows updating only when a significant difference over a certain period is detected. Muller et al. describe that when a handset loses synchronization with a base station, the handset knows that there is a risk of losing its time. When the synchronization of base station/handset is re-established, the handset sets up a link to the base station. By this link, the handset transmits recovery information X2 to the base station. For the reasons set forth above, Claim 1 is submitted to be patentable over Burklin in view of Muller et al.

When the recitations of Claim 22 are considered in combination with the recitations of Claim 1, Applicant submits that Claim 22 likewise is patentable over Burklin in view of Muller et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 8, 20, and 22 be withdrawn.

Moreover, Applicant respectfully submits that the Section 103 rejection of Claims 8, 20, and 22 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Burklin in view of Muller et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would

**VIA FACSIMILE (703) 872-9306****9D-RG-19394-Daum  
PATENT**

not be obvious to one skilled in the art to combine Burklin with Muller et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levingood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Interv. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Burklin teaches a bus interface unit that receives time information RXVE, which is allowed to set an internal clock CLK only when a second controlled switch CSW2 is closed. This switch CSW2 may be closed continuously. The switch CSW2 can be controlled by a digital filter circuit F1 which compares the internal time of the clock CLK to the received time, and allows updating only when a significant difference over a certain period is detected. Burklin also teaches receiving, by the bus interface unit, time information RXVE from a bus, sending time information TXMIT to the bus only when a controlled switch CSW1 is closed, controlling the switch CSW1 by using a delaying block DBL which interrupts time

**VIA FACSIMILE (703) 872-9306****9D-RG-19394-Daum  
PATENT**

transmission during a certain time period after each reception of time information. Muller et al. teach that when a handset loses synchronization with a base station, the handset knows that there is a risk of losing its time. When the synchronization of base station/handset is re-established, the handset sets up a link to the base station. By this link, the handset transmits recovery information X2 to the base station. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejections of Claims 8, 20, and 22 be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the rejections of Claims 8, 20, and 22 under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

  
Thomas M. Fisher  
Registration No. 47,564  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**